

1 BARRACK, RODOS & BACINE
STEPHEN R. BASSER (121590)
2 sbasser@barrack.com
MARK R. ROSEN (139506)
3 mrosen@barrack.com
JOHN L. HAEUSSLER (215044)
4 jhaeuSSLer@barrack.com
402 West Broadway, Suite 850
5 San Diego, CA 92101
Telephone: (619) 230-0800
6 Facsimile: (619) 230-1874

7 COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
8 JOHN J. STOIA (141757)
jstoia@lerachlaw.com
9 THEODORE J. PINTAR (131372)
tpintar@lerachlaw.com
10 655 West Broadway, Suite 1900
San Diego, CA 92101
11 Telephone: (619) 231-1058
Facsimile: (619) 231-7423

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12 Interim Co-Lead Class Counsel for Plaintiffs

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 In re CONSECO INSURANCE CO.
17 ANNUITY MARKETING & SALES
PRACTICES LITIGATION

) No. C-05-04726 RMW
) And Related Cases

) CLASS ACTION

) STIPULATION AND [REDACTED] ORDER
) REGARDING BRIEFING SCHEDULE ON
) THE MOTION TO DISMISS FILED BY
) CONSECO, INC., 40/86 ADVISORS, INC.,
) CONSECO MARKETING, LLC AND
) CONSECO SERVICES, LLC

21 This Document Relates to:

22 ALL ACTIONS.
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1 The parties hereto, through their respective attorneys of record, stipulate as follows and
2 request the Court to enter an order adjusting the briefing schedule and hearing date on the
3 motion to dismiss filed by Conseco, Inc., 40/86 Advisors, Inc., Conseco Marketing, LLC and
4 Conseco Services, LLC (the "New Defendants");

5 Whereas, on September 14, 2007, New Defendants filed a motion to dismiss the Second
6 Amended Consolidated Class Action complaint on a number of grounds, including personal
7 jurisdiction; and

8 Whereas, on October 5, 2007, Plaintiff served interrogatories and document requests
9 seeking information and documents that Plaintiff believes are directly relevant to the pending
10 jurisdictional challenge;

11 Whereas, on November 27, 2006, pursuant to the stipulation of the parties, the Court set
12 a briefing schedule on the motion to dismiss filed by the New Defendants, and modifying the
13 briefing schedule previously ordered by the Court pursuant to the stipulation of the parties on
14 August 20, 2007, mandating that the Plaintiff would have until January 22, 2008 to conduct
15 discovery on jurisdictional issues raised by New Defendants' Motion to Dismiss, that Plaintiff
16 would file his response to New Defendants' Motion to Dismiss on or before February 15, 2008;
17 and that the New Defendants would file their Reply in Support of Motion to Dismiss on or
18 before March 7, 2008. The Court also set a hearing on the New Defendants' Motion to Dismiss
19 for March 21, 2008, at 9:00 a.m.;

20 Whereas, despite Plaintiff's follow up requests, Defendants have not yet produced the
21 requested documents or answered Plaintiff's jurisdictional interrogatories, and Defendants are
22 continuing to review, compile and arrange for the production of responsive documents and
23 prepare responses to Plaintiff's jurisdictional interrogatories, and the parties are presently
24 coordinating the previously noticed jurisdictional depositions in light of the delay in providing
25 this jurisdictional discovery;

26 Whereas, the parties therefore jointly request additional time for jurisdictional discovery
27 and an extension of the briefing schedule;

1 IT IS HEREBY STIPULATED by and between Plaintiff and the New Defendants to
2 amend the briefing schedule and hearing date on the New Defendants' motion to dismiss as
3 follows:

4 Plaintiff shall have until March 24, 2008 to complete jurisdictional discovery;

5 1. Plaintiff shall file his opposition to the New Defendants' motion to dismiss on or
6 before April 15, 2008;

7 2. New Defendants shall file their reply in support of their motion to dismiss by
8 May 7, 2008; and

9 3. The hearing on defendants motion to dismiss will take place on May 23, 2008 at
10 9:00 a.m., or at such later date and time as may be determined by the Court.

11 DATED: January 9, 2008

Respectfully submitted,

12 BARRACK, RODOS & BACINE
13 STEPHEN R. BASSER
14 MARK R. ROSEN
15 JOHN L. HAEUSSLER

16 
JOHN L. HAEUSSLER

17 402 West Broadway, Suite 850
18 San Diego, CA 92101
Telephone: 619/230-0800

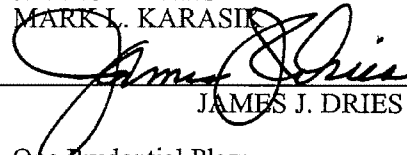
19 COUGHLIN STOIA GELLER RUDMAN &
20 ROBBINS LLP
21 JOHN J. STOIA, JR.
22 THEODORE J. PINTAR
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058

23 Interim Co-Lead Class Counsel for Plaintiffs
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DATED: January 9th, 2008

BAKER & MCKENZIE LLP
JAMES J. DRIES
MARK L. KARASIK


JAMES J. DRIES

One Prudential Plaza
130 E. Randolph Drive
Chicago, IL 60601
Telephone: 312/861-8000

Attorneys for the Defendants Conseco Insurance
Company, Conseco, Inc. and 40/86 Advisors, Inc.
and Conseco Marketing, LLC and Conseco
Services, LLC.

* * *

ORDER

IT IS SO ORDERED.

DATED 1/17, 2008



The Honorable Ronald M. Whyte
United States District Court Judge

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CERTIFICATE OF SERVICE

In re Conseco Insurance Co. Annuity Marketing & Sales Practices Litig.
Case No.: C-05-04726 RMW

I, the undersigned, state that I am employed in the City and County of San Diego, State of California; that I am over the age of eighteen (18) years and not a party to the within action; that I am employed at Barrack, Rodos & Bacine, 402 West Broadway, Suite 850, San Diego, California 92101; and that on January 9, 2008, I served a true copy of the attached:

**STIPULATION AND [PROPOSED] ORDER REGARDING BRIEFING
SCHEDULE ON THE MOTION TO DISMISS FILED BY CONSECO,
INC., 40/86 ADVISORS, INC., CONSECO MARKETING, LLC AND
CONSECO SERVICES**

to the parties listed on the attached Service List by the following means of service:

- ☒ **BY E-FILE:** I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service as indicated on the attached Service List.
- ☒ **BY E-MAIL:** I e-mailed a true copy addressed as indicated in the attached Service List, on the above-mentioned date.
- ☒ **BY MAIL:** I placed a true copy in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It was deposited with the U.S. Postal Service on that same day in the ordinary course of business and there is a regular communication by mail between the place of mailing and the place so addressed.
- ☐ **BY FACSIMILE:** From facsimile number (619) 230-1874 at _____ a.m./p.m., I caused each such document to be transmitted by facsimile machine to the parties and numbers indicated on the attached Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 9th day of January, 2008.



CINDY ORIHUELA

CONSECO SERVICE LIST

Counsel for Defendants

James J. Dries
james.j.dries@bakernet.com
Thomas A. Doyle
thomas.a.doyle@bakernet.com
Mark L. Karasik
Mark.L.Karasik@bakernet.com
**BAKER & McKENZIE LLP
One Prudential Plaza
130 E. Randolph Drive
Chicago, IL 60601
Tel.: (312) 861-8000
Fax: (312) 861-2899

Tod L. Gamlen
Tod.l.gamlen@bakernet.com
**BAKER & McKENZIE LLP
660 Hansen Way
Palo Alto, CA 94304-1044
Tel.: (650) 856-2400
Fax: (650) 856-9299

Counsel for Plaintiffs

Andrew S. Friedman
afriedman@bffb.com
Elaine A. Ryan
eryan@bffb.com
Patricia N. Syverson
psyverson@bffb.com
**BONNETT, FAIRBOURN,
FRIEDMAN & BALINT, P.C.
2901 N. Central Ave., Suite 1000
Phoenix, AZ 85012-3311
Tel.: (602) 274-1100
Fax: (602) 274-1199

Christa Collins
John Yanchunis
J. Andrew Meyer
*JAMES, HOYER, NEWCOMER
& SMILJANICH
One Urban Centre, Suite 550
4830 W. Kennedy Blvd.
Tampa, FL 33609-2589
Tel.: (813) 286-4100
Fax: (813) 286-4174

John J. Stoia, Jr.
johns@csgrr.com
Theodore J. Pinter
tedp@csgrr.com
Phong Tran
ptran@csgrr.com
Rachel L. Jensen
rachelj@csgrr.com
Steven M. Jodlowski
sjodlowski@csgrr.com
**COUGHLIN STOIA GELLER RUDMAN
& ROBBINS LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
Tel.: (619) 231-1058
Fax: (619) 231-7423

Louise H. Renne
lrenne@rshslaw.com
Ingrid M. Evans
ievans@rshslaw.com
*RENNE SLOAN HOLTZMAN SAKAI LLP
50 California Street, Suite 2100
San Francisco, CA 94111-4624
Tel.: (415) 678-3800
Fax: (415) 678-3838

William M. Shernoff
Evangeline F. Garriss
*SHERNOFF BIDART & DARRAS LLP
600 S. Indian Hill Boulevard
Claremont, CA 91711
Tel.: (909) 621-4935
Fax: (909) 625-6915

Michael D. Thamer
*LAW OFFICES OF MICHAEL D.
THAMER
12444 South Highway 3
P.O. Box 1568
Callahan, CA 96014-1568
Tel.: (530) 467-5307
Fax: (530) 467-5437

Howard D. Finkelstein
hdf@class-action-law.com
Mark L. Knutson
mlk@class-action-law.com
*FINKELSTEIN & KRINSK
501 West Broadway, Suite 1250
San Diego, CA 92101
Tel.: (619) 238-1333
Fax: (619) 238-5425

** Denotes service by U.S. Mail and E-mail.

* Denotes service by U.S. Mail.